

DISCLOSURE ORIGINAL

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

RECEIVED

MAY 19 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Rules Governing Telephone )  
Companies' Use of Customer )  
Proprietary Network Information )

CC Docket No. 90-623

CC Docket No. 92-256 ✓

REPLY COMMENTS OF COX ENTERPRISES, INC.

Werner K. Hartenberger  
J.G. Harrington  
Steven F. Morris

Dow, Lohnes & Albertson  
1255 Twenty-Third Street, N.W.  
Suite 500  
Washington, D.C. 20037  
(202) 857-2500

May 19, 1994

No. of Copies rec'd \_\_\_\_\_  
List ABCDE \_\_\_\_\_

075

## TABLE OF CONTENTS

	<u>Page</u>
SUMMARY .....	ii
I. THE COX MODEL OF CPNI DISCLOSURE PROVIDES THE OPTIMAL BALANCE OF COMPETITIVE EQUITY, EFFICIENCY AND PRIVACY CONCERNS .....	1
A. Significant Competitive Harm Will Occur in New Markets if the Commission Fails to Amend the CPNI Rules .....	2
B. The Cox Model Is Consistent With Customer Expectations Because it Reflects the Different Expectations Associated with Different Types of Information .....	4
II. THE BOC JUSTIFICATION FOR RETAINING THE STATUS QUO IS NOT BASED ON MARKET REALITIES .....	5
A. Principles Applicable to Competitive Markets Are Not Applicable to the BOCs .....	6
B. The BOCs' Paternalistic Attitude Toward Their Customers Is Unwarranted .....	7
III. THE COMMISSION MUST CONSIDER PRIVACY, EFFICIENCY AND COMPETITIVE EQUITY ISSUES IN THIS PROCEEDING .....	11
IV. CONCLUSION .....	14

## SUMMARY

The Commission's CPNI rules are intended to balance three often conflicting interests: competitive equity, consumer privacy and BOC efficiency. In this proceeding, the Commission has asked whether the changing telecommunications market necessitates changes in the CPNI rules. The Commission is concerned that the rules adopted in the *Computer III Remand Order* (which were based primarily on efficiency and competitive equity considerations) are no longer sufficient to protect the privacy of consumers.

Cox agrees that the current rules do not strike the proper balance of these interests. In its comments, Cox proposed a model of CPNI disclosure that increases the level of privacy afforded residential and small business customers and eliminates certain competitive advantages the current rules provide BOC-affiliated enhanced service providers. Under the Cox model, a customer would be provided the opportunity to decide whether (and to whom) CPNI is disclosed. To the extent a customer permits disclosure, the Cox plan requires the BOC to make the information available to all parties on a nondiscriminatory basis.

The Commission must resist BOC efforts to preserve the status quo. While customers in competitive markets have a choice of service providers and often are provided the option to block disclosure of information, most BOC customers have no choice but to obtain service from the BOC and they are not even given notice that their CPNI will be used by BOC affiliates. As the BOCs enter into new alliances and new lines of business, their use of CPNI could have

dramatic effects on competition and consumer privacy. Although the Commission's primary concern in this proceeding is privacy, the Commission must (as it has in the past) strive to find the optimal balance of privacy, efficiency and competitive equity interests. Cox believes the CPNI disclosure model proposed in its comments strikes this balance and should be adopted by the Commission.

RECEIVED

(MAY 19 1994

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Rules Governing Telephone	)	
Companies' Use of Customer	)	CC Docket No. 90-623
Proprietary Network Information	)	CC Docket No. 92-256

**REPLY COMMENTS OF COX ENTERPRISES, INC.**

Cox Enterprises, Inc. ("Cox"), by its attorneys, hereby submits its reply comments in the above-referenced matter. These reply comments respond to suggestions made by the Bell Operating Companies ("BOCs") that there is no need to reconsider the current CPNI rules. Cox supports the Commission's efforts to ensure that the CPNI rules provide the optimal balance of efficiency, privacy and competitive equity. Cox believes the Commission can strike this balance by adopting the model of CPNI disclosure proposed in its comments.

**I. THE COX MODEL OF CPNI DISCLOSURE PROVIDES THE OPTIMAL BALANCE OF COMPETITIVE EQUITY, EFFICIENCY AND PRIVACY CONCERNS**

The goal of the Commission's CPNI rules is to balance privacy, efficiency and competitive equity. Unfortunately, the current rules promote the efficiency of BOC marketing operations at the expense of consumers, who are denied an effective opportunity to control the use of their CPNI and the benefits of increased competition in the enhanced services market. In its initial comments, Cox proposed a model of CPNI disclosure that resolves these concerns and benefits consumers. The Cox model adopts the presumption that certain types of information normally should be disclosable while other types of information

should be protected. In either case, customers should be provided the opportunity to override the applicable presumption with regard to information that may implicate privacy interests.<sup>1/</sup> Cox also proposes that, unless a customer requests otherwise, information disclosed to BOC affiliates must be made available to non-BOC enhanced service providers ("ESPs") as well. Comments of Cox Enterprises at 5-7.

**A. Significant Competitive Harm Will Occur in New Markets if the Commission Fails to Amend the CPNI Rules**

The comments provide many examples of how the current CPNI rules hinder competition in the enhanced services market. Specifically, the current rules require non-BOC ESPs to expend considerable resources on customer information that BOC-affiliated ESPs use without charge and permit the BOCs to use information gathered from non-BOC ESPs to target potential customers for enhanced services.<sup>2/</sup>

If the rules are not amended, the problems that have developed in the enhanced services market will arise in other markets as well. For example, a

---

<sup>1/</sup> Information which has no privacy implications, such as directory information or aggregate CPNI, should continue to remain available to third parties on a nondiscriminatory basis.

<sup>2/</sup> Comments of Prodigy at 4-5; Comments of Compuserve at 7; Comments of Centex Telemanagement ("Centex") at 8-10; Comments of the Telecommunications Resellers Association at 4. BOCs also have engaged in a related practice known as "unhooking". See *Computer III Remand Proceedings: Bell Operating Company Safeguards and Tier 1 Local Exchange Company Safeguards*, Report and Order, 6 FCC Rcd 7571, 7613-14 (1991) ("Computer III Remand Order").

BOC that provides video dialtone could compile a list of all customers who call the customer service number of a competing cable operator. Alternatively, the BOC could monitor calls made to the number used by cable customers to order pay-per-view programming. Neither of these practices is prohibited under the current rules.

Concerns with BOC use of customer information are comparable to other concerns that have been raised regarding BOC entry into the video market. Use of CPNI derived from monopoly local exchange services is a form of cross-subsidization and it is no less harmful to competition than shifting equipment or personnel costs from competitive business to regulated telephone service.<sup>3/</sup> As with other forms of cross-subsidization, the Commission must be sure that its rules do not provide local exchange carriers a competitive advantage based solely on their monopoly status.

The Cox model would ameliorate these problems by equalizing access (and the opportunity to obtain access) to CPNI. Cox proposes that, when a customer consents to disclosure of CPNI, information will be available to all providers unless the customer requests otherwise. Similarly, customer requests to withhold CPNI would apply equally to BOC and non-BOC ESPs. Only after access to CPNI is equalized can there be fair competition in the enhanced services market.

---

<sup>3/</sup> Comments of Prodigy at 5.

**B. The Cox Model Is Consistent With Customer Expectations Because it Reflects the Different Expectations Associated with Different Types of Information**

In its comments, Cox suggested that the Commission's CPNI rules should reflect differing privacy expectations that consumers have with regard to different types of information. For example, most telephone consumers expect that the phone company will reveal certain information (such as their telephone number) and protect other information (such as the number of calls to a specific number.)

Although the Commission previously has not distinguished between different types of information for CPNI purposes, such a distinction is not without precedent. The 1992 Cable Act and the Video Act (which are cited by many parties as a workable model of privacy protection)<sup>4/</sup> both distinguish between non-personal information (*i.e.*, address and telephone number) and personal information (*i.e.* information that would reveal the viewing habits of an individual.)<sup>5/</sup> Customers are provided with the opportunity to "opt out" by requesting that the cable or video provider block disclosure of any information collected. The general principles underlying these statutes are the same as those upon which the Cox model is based.

---

<sup>4/</sup> Comments of U S West at 40.

<sup>5/</sup> 47 U.S.C. § 551; 18 U.S.C. § 2710.



U S West states that it generally supports the use of an "opt out" model of customer consent and it cites a study that confirms such a model is consistent with consumer expectations. Comments of U S West at 40 n.75, 42. The only reason not to adopt such a model, according to U S West, is that it may be inconsistent with "the information practices of [telephone] companies and the representations those companies have made to their customers." *Id.* at 42. As discussed below, this justification for the current CPNI rules is inconsistent with the Commission's efforts to balance competitive equity, privacy and efficiency.

## **II. THE BOC JUSTIFICATION FOR RETAINING THE STATUS QUO IS NOT BASED ON MARKET REALITIES**

As Cox and other ESPs demonstrated in their comments, the current CPNI rules are insufficient on two grounds: (1) the rules provide a BOC-affiliated ESP preferential access to CPNI based solely on the BOC's status as a monopoly provider of local exchange service;<sup>6/</sup> and (2) the rules do not protect the privacy of residential and small business consumers who are given no notice or opportunity to prevent disclosure of their CPNI.<sup>7/</sup> The BOC arguments in support of the status quo cannot be supported and demonstrate an attempt to

---

<sup>6/</sup> Comments of Cox Enterprises at 3-4; Comments of Compuserve at 6; Comments of the Information Industry Association ("IIA") at 4.

<sup>7/</sup> Comments of Centex at 1; Comments of IIA at 4; Comments of the Public Utility Commission of Texas at 10.

elevate their interests above the interests of consumers and the public value of promoting competition.

**A. Principles Applicable to Competitive Markets Are Not Applicable to the BOCs**

The BOCs defend their ability to disclose CPNI to affiliates (but not to third parties) by stating that other businesses routinely share customer information with affiliates. Comments of Ameritech at 3; Comments of U S West at 13. The BOCs also state that the Commission has allowed companies more flexibility in their relationships with "established customers" than with new or potential customers. Comments of BellSouth at 6-7; Comments of United States Telephone Association ("USTA") at 4-5.

These principles cannot support the preferential access to CPNI the BOCs seek to retain. Unlike the businesses the BOCs compare themselves to, the BOCs gather information about their customers solely by virtue of their state-granted monopolies. Companies that operate in competitive markets must expend considerable resources to attract and retain customers, but local exchange carriers attract and retain customers because it is unlawful for any other company to serve those customers. While companies in competitive markets earn the information they obtain about their customers by succeeding in the marketplace, LECs are granted an exclusive right to serve their customers by the state. Furthermore,

even competitive companies are limited in the information that can be transferred between affiliates.<sup>8/</sup>

Cox is not suggesting that the balance between competitive equity and privacy interests may not change over time. Although the Commission must always be mindful of consumer privacy interests, if the Commission ever determines that the BOCs no longer control bottleneck local exchange facilities, BOC use of CPNI may be controlled primarily by the market (rather than by regulation) as it is for ESPs, IXC's and other BOC competitors. Indeed, the Commission may want to adopt CPNI rules specifically designed to govern the BOCs only until the market serves as an effective regulator of CPNI use. Until that time, however, the Commission must be sure that it does not sacrifice consumer privacy or competitive equity merely to promote the efficiency of monopolists.

**B. The BOCs' Paternalistic Attitude Toward Their Customers Is Unwarranted**

The BOC comments portray their customers as desperate for information about BOC enhanced services but completely willing to be denied information from competing service providers. While purportedly seeking to protect the rights of their customers, the BOCs continue to argue that a

---

<sup>8/</sup> For example, in *Beneficial Corporation, et al.*, 86 F.T.C. 119 (1975), the Federal Trade Commission stated that confidential information gathered by one affiliate could not be used by another affiliate for marketing purposes.

notification or prior authorization requirement is not necessary for residential and small business customers. Bell Atlantic, for example, argues that a prior authorization requirement will confuse customers and that customers will treat a notice as just one more piece of junk mail. Comments of Bell Atlantic at 8. Bell Atlantic also suggests that customers want their local telephone company to filter information because residential and small business customers "do not have the resources to survey all available telecommunications products and services."

*Id.* at 5.

The BOCs' low regard for their customers is completely out of touch with reality.<sup>9/</sup> Cox has no doubt that most consumers are capable of understanding CPNI and deciding whether (and to whom) they would like it disclosed. If the BOCs are incapable of providing notice or requesting disclosure in a manner that does not confuse customers, Cox and the ESP community gladly will take responsibility for drafting appropriate bill inserts and mailers.

The notion that customers do not want notice of their rights and the opportunity to prevent disclosure of CPNI is erroneous. Competitive businesses that sell customer information, such as magazines and credit cards, routinely give customers the opportunity to prevent disclosure of their information to third

---

<sup>9/</sup> Even Roy Neel, President of the United States Telephone Association, stated at the recent Federal Communications Bar Association Annual Seminar that customers are smart enough to navigate the information marketplace.

parties.<sup>10/</sup> Even the survey discussed in the U S West comments shows that customers expect some type of notice of their rights.<sup>11/</sup> Cox's recent experience confirms this position. When Cox launched its Access Atlanta service on Prodigy earlier this year, it discovered that many consumers were concerned about dissemination of personal information. As a result, Cox now has adopted a policy that strictly limits the use of that information. The BOCs' continued resistance to notice and authorization requirements belies their assertions that customers expect (and desire) telephone companies to use CPNI to market enhanced services.

The notion that residential and small business customers need a telephone company to filter information and limit consumer choice is similarly unsubstantiated. Customers are capable of making responsible choices among competing service providers when provided with relevant information. Small business customers in particular have become increasingly sophisticated and the

---

<sup>10/</sup> These notices are printed regularly in magazines and even on subscription forms. Some private companies specifically restrict mailings by their affiliates upon customer request.

<sup>11/</sup> Respondents were "quite comfortable with uses of information which they routinely agreed to—either directly or by implied consent. The respondents felt that they should be kept informed about the uses of personally-identifiable information and accorded certain choices and control mechanisms with regard to such information." Comments of U S West at 10-11.

BOCs have directed considerable marketing efforts at reaching this "new" market.<sup>12/</sup>

Customers that prefer to limit their options can do so without any help from their local telephone company. For example, while some customers prefer to read articles and advertisements about a product or service before making a purchase, those customers that "do not have the resources" or the inclination to conduct research before making a purchase can go to a single store and purchase the item recommended by the salesperson. Limiting customer access to information is clearly detrimental in the first case and provides no tangible benefit in the second.

Furthermore, even if some customers might be confused by CPNI issues, the benefits of fair competition and increased privacy outweigh this potential cost. Many consumers, for example, are confused by the quantity and complexity of long distance calling plans offered by the IXC's. Nevertheless, these customers clearly have benefitted from competition and certainly they would not be better off if AT&T could prevent competitors from soliciting new customers. Denying consumers a choice of local telephone companies does not mean they

---

<sup>12/</sup> Bell Atlantic, for example, is renting space in office supply stores as "part of a broad-based effort by Bell Atlantic to reach growing small- and medium-sized companies . . . In the past, telephone industry executives acknowledge they have treated such companies as an afterthought." Sandra Sugawara, *How About a Data Highway With That Toner Cartridge?*, Washington Post, Page C1, April 20, 1994.

should be denied access to information about alternative service providers in competitive markets.

**III. THE COMMISSION MUST CONSIDER PRIVACY, EFFICIENCY AND COMPETITIVE EQUITY ISSUES IN THIS PROCEEDING**

In its Notice, the Commission stated that it was seeking comments on the CPNI rules because alliances between the BOCs and non-telephone company partners raised concerns regarding the adequacy of the current rules.<sup>13/</sup> Cox, which still has a petition for reconsideration pending in CC Docket No. 90-623, strongly believes that the time is right for the Commission to revisit the CPNI rules.<sup>14/</sup> A number of BOCs, however, argue that there is no longer any need for the Commission to revisit its CPNI rules because certain high profile mergers have not been consummated. Comments of Bell Atlantic at 1; Comments of Southwestern Bell Telephone ("SWBT") at 1.

The position that this proceeding no longer is necessary because of two failed mergers is not supported by the comments or by the reality of the telecommunications market. In fact, the USTA states that, "[n]ew mergers, acquisitions and alliances in the communications industry are announced practically every day." Comments of USTA at 5. Some BOCs already have

---

<sup>13/</sup> *Additional Comments Sought on Rules Governing Telephone Companies' Use of Customer Proprietary Network Information*, FCC 94-63 (rel. March 10, 1994).

<sup>14/</sup> See Petition for Reconsideration of Cox Enterprises, CC Docket No. 90-623 (filed March 6, 1992).

consummated major investments (e.g. U S West's 25 percent interest in Time Warner Entertainment) while others (including Bell Atlantic and Southwestern Bell) have stated publicly that they will continue to seek alliances.<sup>15/</sup> For these parties to suggest that this proceeding is unnecessary is completely disingenuous and demonstrates the BOCs desire to elevate their interests above others that must be considered by the Commission.

The BOCs also argue that a proceeding to consider consumer privacy interests is unnecessary because the primary purpose of the CPNI rules is to promote efficiency and competitive equity and the current CPNI rules adequately protect privacy.<sup>16/</sup> As to the first issue, the Commission should not accept the BOCs' attempt to rewrite history. Although the CPNI rules adopted in the *Computer III Remand Order* were established to respond to competitive concerns, the Commission has consistently stated that the rules are intended to balance efficiency, privacy and competitive equity.<sup>17/</sup>

That the Commission should seek to balance these interests does not mean that privacy interests are absolute. Nevertheless, the current rules do

---

<sup>15/</sup> See, e.g., Christopher Stern, *Abrupt End to the Beginning*, Broadcasting and Cable at 6-7, February 28, 1994.

<sup>16/</sup> Comments of USTA at 1-2; Comments of Bell Atlantic at 6; Comments of Ameritech at 2; Comments of U S West at 2; Comments of NYNEX at 2-3.

<sup>17/</sup> "The CPNI rules for enhanced services were intended to balance considerations of efficiency, competitive equity and privacy. Having had the opportunity to monitor the operation of the CPNI rules since their adoption, we now conclude that a change in these rules is appropriate to better balance these three important interests. *Computer III Remand Order*, 7 FCC Rcd at 7609.



not adequately protect consumer privacy because BOCs are allowed to use the CPNI of residential and small business customers without requesting permission or providing notice. The BOCs argue that the current rules are sufficient because they receive very few complaints and a customer may order disclosure of CPNI blocked at any time. Comments of Ameritech at 2; Comments of BellSouth at 7. Given the failure of the BOCs to provide notice or request authorization, it seems likely that consumers' "consent" to the current system merely reflects their complete lack of information regarding BOC practices.<sup>18/</sup>

The Commission also must reject arguments that this proceeding is misdirected because the CPNI rules are an inadequate and inappropriate method of protecting privacy. Comments of Bell Atlantic at 7; Comments of U S West at 48-49. This argument is much like saying that seat belts should not be used because they do not prevent any conceivable injury. While CPNI rules in isolation are insufficient to completely protect consumer privacy, there is no question that the use of CPNI does raise privacy concerns. Therefore, even if more comprehensive methods of protecting privacy are called for, the Commission should not ignore the privacy implications of rules it already has established.

Having argued that the CPNI rules were not intended to protect consumer privacy, some BOCs also argue that the Commission can consider only

---

<sup>18/</sup> Comments of the New York Department of Public Service at 3-4. As noted above, other businesses routinely give their customers notice about potential use of information. See Part II(B), *supra*.

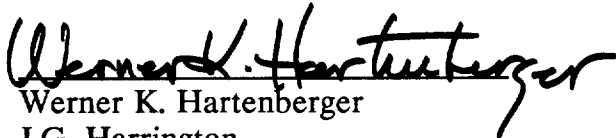
privacy issues in this proceeding. Comments of BellSouth at 9; Comments of U S West at 9 n.14. The Commission always has stated that its CPNI rules were intended to balance efficiency, privacy and competitive equity interests. The Commission cannot consider the effect of its rules as to any one of these issues without also looking at how any changes would affect the other issues.

#### **IV. CONCLUSION**

Cox believes the changing telecommunications market will continue to raise privacy concerns and that reconsideration of the Commission's CPNI rules is necessary. The model of CPNI disclosure discussed in these reply comments and proposed in Cox's earlier comments responds to these concerns by providing all customers the opportunity to control whether (and to whom) their CPNI is disclosed. The Cox model also provides all enhanced service providers equal access (and opportunity to access) CPNI. The Cox model provides the optimal balance of the interests that must be considered by the Commission and Cox

respectfully requests that the Commission revise its CPNI rules to reflect the model of CPNI disclosure proposed by Cox.

Respectfully submitted,  
COX ENTERPRISES, INC.

A handwritten signature in black ink, appearing to read "Werner K. Hartenberger". The signature is written in a cursive, flowing style with some loops and flourishes.

Werner K. Hartenberger  
J.G. Harrington  
Steven F. Morris

Dow, Lohnes & Albertson  
1255 Twenty-Third Street, N.W.  
Suite 500  
Washington, D.C. 20037  
(202) 857-2500

May 19, 1994

**CERTIFICATE OF SERVICE**

I, Roberta L. Fidele, hereby certify that on this 19th Day of May, 1994, I caused a copy of the REPLY COMMENTS OF COX ENTERPRISES, INC. to be served by first class mail to the following:

M. Robert Sutherland  
A. Kirven Gilbert III  
BELLSOUTH TELECOMMUNICATIONS, INC.  
4300 Southern Bell Center  
675 W. Peachtree Street  
Atlanta, GA 30375

Kathryn Marie Krause  
U S WEST COMMUNICATIONS, INC.  
Suite 700  
1020 19th Street, N.W.  
Washington, D.C. 20036

Mary McDermott  
UNITED STATES TELEPHONE ASSOCIATION  
1401 H Street, N.W.  
Suite 600  
Washington, D.C. 20005

Edward R. Wholl  
Deborah Haraldson  
NEW YORK TELEPHONE COMPANY AND  
NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY  
120 Bloomingdale Road  
White Plains, NY 10605

Lawrence W. Katz  
THE BELL ATLANTIC TELEPHONE COMPANIES  
1710 H Street, N.W.  
Washington, D.C. 20006

Randolph J. May  
David I. Adelman  
COMPUSERVE INCORPORATED  
1275 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2404

Paul Rodgers  
Charles D. Gray  
James Brandford Ramsay  
NATIONAL ASSOCIATION OF  
REGULATORY UTILITY COMMISSIONERS  
1102 ICC Building  
P.O. Box 684  
Washington, D.C. 20044

M. Robert Sutherland  
A. Kirven Gilbert, III  
BELLSOUTH TELECOMMUNICATIONS, INC.  
4300 Southern Bell Center  
675 W. Peachtree Street  
Atlanta, GA 30375

Sandra G. Weis  
PRODIGY SERVICES COMPANY  
445 Hamilton Avenue  
White Plains, NY 10601

Robert M. Lynch  
Richard C. Hartgrove  
Michael J. Zpevak  
Thomas A. Pajda  
SOUTHWESTERN BELL TELEPHONE COMPANY  
One Bell Center, Room 3520  
St. Louis, Missouri 63101

Charles C. Hunter  
TELECOMMUNICATIONS RESELLERS ASSOCIATION  
1133 Connecticut Avenue, N.W.  
Seventh Floor  
Washington, D.C. 20036

R. Michael Senkowski  
Jeffrey S. Linder  
TELE-COMMUNICATIONS ASSOCIATION  
1776 K Street, N.W.  
Washington, D.C. 20006

Jay C. Keithley  
THE UNITED AND CENTRAL TELEPHONE COMPANIES  
1850 M Street, N.W.  
Suite 1100  
Washington, D.C. 20036

Craig T. Smith  
THE UNITED AND CENTRAL TELEPHONE COMPANIES  
P.O. Box 11315  
Kansas City, MO 64112

Albert H. Kramer  
Robert F. Aldrich  
Dana J. Lesemann  
AMERICAN PUBLIC COMMUNICATIONS COUNCIL  
1201 New York Avenue  
Penthouse Suite  
Washington, D.C. 20005-3919

Pamela J. Andrews  
AMERITECH  
2000 West Ameritech Center Drive  
Room 4H74  
Hoffman Estates, IL 60196-1025

Glenn B. Manishin  
John S. di Bene  
Charon J. Harris  
CENTEX TELEMAGEMENT, INC.  
1615 M Street, N.W., Suite 700  
Washington, D.C. 20036

Steven J. Metalitz  
INFORMATION INDUSTRY ASSOCIATION  
555 New Jersey Avenue, N.W.  
Suite 800  
Washington, D.C. 20001

Ellen G. Block  
CALIFORNIA BANK CLEARING HOUSE AND  
NEW YORK CLEARING HOUSE ASSOCIATION  
1200 19th Street, N.W., #602  
Washington, D.C. 20036

William D. Baskett, III  
John K. Rose  
Christopher J. Wilson  
CINCINNATI BELL TELEPHONE COMPANY  
2500 PNC Center  
201 East Fifth Street  
Cincinnati, Ohio 45202

Herbert E. Marks  
Jonathan Jacob Nadler  
Jeffrey A. Campbell  
THE INDEPENDENT DATA COMMUNICATIONS  
MANUFACTURERS ASSOCIATION, INC.  
1201 Pennsylvania Avenue, N.W.  
P.O. Box 407  
Washington, D.C. 20044

Joseph P. Markoski  
Andrew W. Cohen  
THE INFORMATION TECHNOLOGY  
ASSOCIATION OF AMERICAN  
1201 Pennsylvania Avenue, N.W.  
P.O. Box 407  
Washington, D.C. 20044-0407

Daniel L. Brenner  
David L. Nicoll  
NATIONAL CABLE TELEVISION  
ASSOCIATION, INC.  
1724 Massachusetts Avenue, N.W.  
Washington, D.C. 20036

Richard A. Askoff  
NATIONAL EXCHANGE CARRIER  
ASSOCIATION, INC.  
100 South Jefferson Road  
Whippany, NJ 07981

John F. Sturm  
NEWSPAPER ASSOCIATION OF AMERICA  
529 14th Street, N.W.  
Suite 440  
Washington, D.C. 20045-1402

Albert H. Kramer  
Robert F. Aldrich  
Dana J. Lesemann  
NORTH AMERICAN TELECOMMUNICATIONS  
ASSOCIATION  
1201 New York Avenue  
Penthouse Suite  
Washington, D.C. 20005-3919

Jeffrey L. Sheldon  
Thomas E. Goode  
UTILITIES TELECOMMUNICATIONS COUNCIL  
1140 Connecticut Avenue, N.W.  
Suite 1140  
Washington, D.C. 20026

Anne U. MacClintock  
THE SOUTHERN NEW ENGLAND TELEPHONE COMPANY  
227 Church Street  
New Haven, Connecticut 06510

Robert W. Gee  
Karl R. Rabago  
Sarah Goodfriend  
PUBLIC UTILITY COMMISSION OF TEXAS  
7800 Shoal Creek Boulevard  
Austin, TX 78757

Joie D. Edge  
Elizabeth A. Marshall  
PUERTO RICO TELEPHONE COMPANY  
888 Sixteenth Street, N.W.  
Washington, D.C. 20006

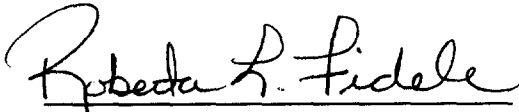
William J. Cowan  
NEW YORK STATE DEPARTMENT  
OF PUBLIC SERVICE  
Three Empire State Plaza  
Albany, NY 12223



Philip F. McClelland  
OFFICE OF CONSUMER ADVOCATE  
1425 Strawberry Square  
Harrisburg, PA 17120

Rose M. Crellin  
Common Carrier Bureau  
Federal Communications Commission  
Room 544  
1919 M Street, N.W.  
Washington, D.C. 20554

International Transcription Service, Inc.  
2100 M Street, N.W.  
Suite 140  
Washington, D.C. 20037

  
Roberta L. Fidele